

Message Text

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C O N F I D E N T I A L USUN 3121

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS CONFERENCE: COMMITTEE I: THE FIRST TWO DAYS

SUMMARY: COMMITTEE I (CI) IS HAVING SERIOUS DIFFICULTY ORGANIZING ITS WORK FOR THIS SESSION. GROUP OF 77 (G-77) ADOPTING EXTREMIST POSITIONS ON PROCEDURE, DEMONSTRATING SERIOUS DISSATISFACTION WITH REVISED SINGLE NEGOTIATING TEXT (RSNT) AND CI CHAIRMAN ENGO. KEY DIFFICULTY APPEARS TO BE THAT G-77 WANTS FULL OPPORTUNITY TO MAKE KNOWN THEIR VIEWS ON UNACCEPTABILITY OF SYSTEM OF EXPLOITATION IN RSNT, INSISTING THAT THIS SUBJECT BE FIRST ITEM OF BUSINESS FOR COMMITTEE AND THAT ALL DELEGATIONS BE REPRESENTED IN DISCUSSIONS. PROCEDURES PROPOSED BY G-77 AND, ON OTHER EXTREME, BY ENGO ARE BOTH UNWIELDY AND THREATEN TO RE-OPEN IMPORTANT PROVISIONS OF TEXT THAT HAVE ALREADY BEEN NEGOTIATED.

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1. ON AUGUST 2 COMMITTEE I CHAIRMAN ENGO GATHERED 24

DELEGATIONS (BRAZIL GROUP, GROUP OF 5 MINUS JAPAN, THE PRC, ALGERIA, EGYPT AND INDIA, AMONG OTHERS) FOR INFORMAL MEETING ON COMMITTEE I PROCEDURES. ENGO PROPOSED TO THE GROUP THAT 3 WORKING GROUPS OF ABOUT 25 MEMBERS EACH BE CONSTITUTED WITHIN COMMITTEE I AND THEIR WORK BE DIVIDED AS FOLLOWS: (1) AN INSTITUTIONAL GROUP TO CONSIDER THE COUNCIL, ASSEMBLY, AND THEIR INTER-RELATIONSHIPS; (2) A LEGAL GROUP TO CONSIDER THE STATUTE OF THE TRIBUNAL; AND (3) AN ECONOMIC/FINANCIAL GROUP TO CONSIDER FINANCIAL ARRANGEMENTS INCLUDING PRESUMABLY THE ENTERPRISE. SRI LANKA (PINTO) SUGGESTED THAT THOSE WORKING GROUPS OPERATE IN A PUBLIC "ARENA" AND KUWAIT SUGGESTED THAT THE MEMBERS BE SELECTED BY VARIOUS REGIONAL GROUPS RATHER THAN BY THE CHAIRMAN. THE MEETING ENDED INCONCLUSIVELY WITH ENGO SAYING THAT HE WOULD MAKE THE PROPOSAL TO A GROUP OF 77 MEETING ON THE MORNING OF AUGUST 3.

2. GROUP OF 5 COMMITTEE I REPRESENTATIVES MET MORNING OF AUGUST 3 TO DISCUSS ENGO SUGGESTIONS. CONCERNING THE ISSUES FOR COMMITTEE I, ALL MEMBERS OF THE GROUP OF 5 NOTED THAT INDIA, SUPPORTED BY OTHERS, WAS PUSHING VERY HARD TO SEE THAT THE "SYSTEM OF EXPLOITATION" BE THE FIRST ITEM TAKEN UP. ALL MEMBERS AGREED THAT COMMITTEE I SHOULD FOCUS INSTEAD ON ISSUES NOT NEGOTIATED AT THE LAST SESSION AND SHOULD AVOID RENEGOTIATING ARTICLE 9 AND ARTICLE 22 ON THE SYSTEM OF EXPLOITATION. THE USSR NOTED, HOWEVER, THAT IT CONSIDERED CERTAIN SECTIONS OF ANNEX I AS STILL OPEN FOR NEGOTIATION (MEANING QUOTA ISSUE). GROUP DISCUSSED POSSIBILITY THAT ONE WAY OF DEFLECTING G-77 PRESSURE COULD BE TO PUT FORWARD A PROPOSAL ON GETTING THE ENTERPRISE STARTED, AND THE GROUP AGREED TO DEVOTE A MEETING TO THIS SUBJECT AS SOON AS POSSIBLE.

3. GROUP OF 5 AGREED THAT MEMBERS WOULD WORK TO SEE THAT COMMITTEE I WORKING GROUPS BE EITHER CHAIRED BY OR DIRECTLY RESPONSIBLE TO ENGO, THAT MEMBERSHIP OF THESE GROUPS NOT BE BY SELECTION BUT RATHER BY "NATURAL EVOLUTION" OF INTERESTED COUNTRIES, THAT COMMITTEE
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DRAFTING RESPONSIBILITIES BE ASSIGNED TO AD HOC COMMITTEES AS WORK PROGRESSED, AND THAT THE AGENDA FOCUS ON REMAINING ISSUES: THE STATUTE OF THE ENTERPRISE AND TRIBUNAL, FINANCIAL ARRANGEMENTS, AND THE COMPOSITION AND VOTING OF THE COUNCIL.

4. GROUP OF 77 DEBATED CI MEETING PROCEDURE ISSUE AFTERNOON OF AUGUST 3. PERU REP (DE SOTO) PRESENTED

FOLLOWING G-77 POSITION TO ENGO'S INFORMAL GROUP SHORTLY THEREAFTER:

A. THERE ARE NO "KEY ISSUES" IN COMMITTEE I BECAUSE NO ELEMENT OF THE TEXT HAS BEEN AGREED UPON (HOWEVER, G-77 WILLING TO ACCEPT RSNT AS BASIS OF NEGOTIATION).

B. THERE ARE TWO BROAD AREAS THAT NEED TO BE ADDRESSED: THE STATUS OF THE AREA AND ITS ADMINISTRATION AND THE SYSTEM OF EXPLOITATION IN ALL ITS ASPECTS.

C. ALL COMMITTEE I MEETINGS SHOULD BE FORMAL AND ON THE RECORD. ONE WORKING GROUP COULD BE ALLOWED BUT IT MUST BE PLENARY. THERE WAS STRONG IMPLICATION THAT SOMEONE OTHER THAN ENGO WOULD CHAIR SUCH A WORKING GROUP.

D. DE SOTO MADE IT CLEAR THAT GROUP HAS TAKEN NO POSITION ON STATUS OF VARIOUS TEXTS.

5. THE USSR, SUPPORTED BY US, CALLED FOR IMMEDIATE ADJOURNMENT IN VIEW OF THE EXTREME NATURE OF THE G-77 PROPOSAL. ENGO THEN NOTED THAT THERE WAS A CLEAR DIFFERENCE OF VIEW, AND IF IT PERSISTED, HE WOULD SUGGEST THAT PROCEDURES BE DECIDED BY A VOTE IN THE COMMITTEE THE NEXT DAY. US REP (RATINER) SAID IF SUCH A VOTE ON PROCEDURE OCCURRED WE WOULD PROBABLY NOT BE PREPARED TO PARTICIPATE IN FURTHER COMMITTEE I SUBSTANTIVE DEBATES. US WAS SUPPORTED BY SOVIET UNION. GHANA, ALARMED, INTERVENED IN EFFORT TO REDUCE TENSION.

6. GROUP OF 5 MET AGAIN EVENING OF AUGUST 3 AND AGREED TO HOLD FIRM, AT COMMITTEE I MEETING ON AUGUST 4, THE POSITION ESTABLISHED EARLIER, I.E., PUSH FOR INFORMAL CONFIDENTIAL

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MEETINGS OF COMMITTEE I WHICH WOULD DEVELOP AD HOC DRAFTING GROUPS; INSIST UPON ACCOUNTABILITY OF CHAIRMAN FOR ALL WORK OF THE COMMITTEE; AND EMPHASIZE THAT DEBATE SHOULD FOCUS ON ISSUES REMAINING FROM LAST SESSION. AFTER EXCHANGE OF VIEW AT COMMITTEE I MEETING, GROUP WOULD PUSH FOR ADJOURNMENT AND TRY TO SET UP AN INFORMAL GROUP TO DEVELOP COMPROMISE.

7. IN A SEPARATE MEETING EARLIER IN THE DAY, US COMMITTEE REPRESENTATIVE (RATINER) PUSHED BRAZILIAN COMMITTEE I REPRESENTATIVE THOMPSON-FLORES ON APPARENT FAILURE OF BRAZIL GROUP MEMBERS TO KEEP G-77 "IN LINE" ON RSNT. THOMPSON-FLORES RESPONDED THAT G-77 ACCEPTED RSNT AS BASIS FOR NEGOTIATIONS WHICH HE CONSIDERED MAJOR SUCCESS. HE ADDED THAT IT WAS "UNREALISTIC" NOT TO EXPECT G-77 TO OPEN UP

ARTICLES 9 AND 22, AND ANNEX I. HE NOTED THAT THE G-77
COULD NOT BE "BOUGHT OFF" BY THE "CARROT" OF A FUNCTIONING
ENTERPRISE WHICH HE ASSUMED THE US SHOULD PROBABLY OFFER.

8. COMMENT: THE GROUP OF 77, AT THE MOMENT UNDER THE
INFLUENCE OF INDIA, MEXICO, GHANA AND THE ARAB STATES, HAS
PROPOSED PROCEDURES WHICH COULD UNDERMINE THE RSNT AND THE
AUTHORITY OF COMMITTEE I CHAIRMAN ENGO AND WHICH, IF ADOPTED,
COULD CAUSE A STALEMATE IN THE COMMITTEE. ON THE OTHER HAND,
GROUP OF 77 HAS ACCEPTED THE RSNT AS THE BASIS FOR NEGOTIA-
TIONS, THERE ARE MANIFESTATIONS THAT THE G-77 IS NOT AT ALL
UNITED, AND THE GROUP OF FIVE IS DISPLAYING UNITY AND VIGOR
THAT WAS LACKING AT THE LAST SESSION.
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